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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/827,702

04/06/2001

Darrin Costa

1572

7590

08/08/2002

Darrin Costa  
285 Roselle Street  
Mineola, NY 11501

EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,702

Applicant(s)

COSTA, DARRIN

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 21-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.
2. Applicant's election without traverse of claims 1-20 and 41 in Paper No. 3 is acknowledged.

### ***Specification***

3. The abstract of the disclosure is objected to because it contains the word "comprises" in line 2 and "means" in lines 3 and 4. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 11, it is not clear what "a method" in lines 8 and 10 of the claims is. Other claims are dependent.

### ***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Coltrane.

Regarding claim 1, Coltrane shows a portable rocking device for rocking a baby carriage or stroller comprising:

- A base (12);
- A motor (13) fastened to said base, said motor having a power supply and a rotating shaft (14);
- A gear (22) fastened to the shaft of said motor;
- A sliding member (26) having a first end (at 27) engaged with said gear and a second end; and
- A fastening means (33) attached to the second end of said sliding member, said fastening means a method for securing said sliding member (26) to objects such as baby carriages or strollers (9).

Regarding claim 11, it is noted that Coltrane also shows a portable rocking device for rocking a baby carriage or stroller comprising:

- A base (12);
- A motor (13) fastened to said base, said motor having a power supply and a rotating shaft (14);

- A gear (22) fastened to the shaft of said motor;
- A sliding member (26) having a first end engaged with said gear and a second end;
- An extension member (31) having a first end and a second end, said first end of said extension member attached to the second end of said sliding member;

A fastening means (33) attached to the second end of said extension member, said fastening means a method securing said extension member to objects such as baby carriages or strollers (9).

Regarding claims 2 and 12, it is noted that Coltrane also shows the fastening means being selected from the group of devices including clamps, hooks, clips, magnets, screws, bolts and nuts, and ties.

Regarding claims 3 and 13, it is noted that Coltrane also shows the motor being powered by an external electric power supply.

Regarding claims 4 and 14, it is noted that Coltrane also shows the motor being powered by an internal power supply.

Regarding claims 5 and 15, it is noted that Coltrane also shows the motor being powered by an internal or external power supply.

Regarding claims 6 and 16, it is noted that Coltrane also shows the speed of rotation of said motor being adjustable.

Regarding claims 7 and 17, it is noted that Coltrane also shows the length of the stroke of the invention being adjustable.

Regarding claims 8 and 18, it is noted that Coltrane also shows the height of the base being adjustable.

Regarding claims 9 and 19, it is noted that Coltrane also shows said base having a first end (bottom) and a second end (top) with wheels (8) connected to said first end and a non-sliding material at said second end.

Regarding claims 10 and 20, it is noted that Coltrane also shows said base having a plurality of wheels attached to it.

Regarding claim 41, the method of rocking a baby carriage or stroller would be inherent and obvious since the prior art reference meet the structural limitations of the claimed device.

***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

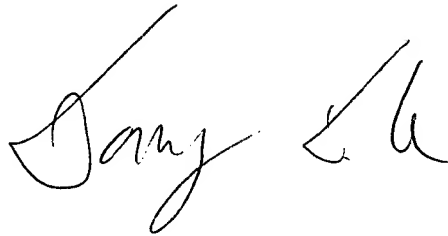
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
August 6, 2002

A small, stylized handwritten signature or mark.A large, stylized handwritten signature, possibly reading "Sany" followed by a flourish.